

1201

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of Porubek *et al.*

Group Art Unit: 1202

Application No.: 08/328,632

Examiner: M. Berch

Filed: October 25, 1994

Docket No.: 77319/129

For: COMPOUNDS HAVING SELECTIVE HYDROLYTIC POTENTIALS

7/16
7/1/97
mw

ASSOCIATE POWER OF ATTORNEY

Assistant Commissioner for Patents
Washington, D. C. 20231

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JUN 25 1997

MATRIX CUSTOMER
SERVICE CENTER

Sir:

The undersigned attorney of record hereby grants the following attorney an associate power to prosecute the above-identified application and transact all business in the US Patent and Trademark Office connected therewith:

Stephen A. Bent, Reg. No. 29,768; Bernhard D. Saxe, Reg. No. 28,665; Mark Kassel, Reg. No. 38,200; Todd Burns, Reg. No. 38,011; John P. Isacson, Reg. No. 33,715; Marvin Motsenbocker, Reg. No. 36,614; Beth A. Burrous, Reg. No. 35,087.

Please direct all future correspondence to: FOLEY & LARDNER, Suite 500, 3000 K Street, N.W., Washington, D.C. 20007-5109.

Respectfully submitted,
Cell Therapeutics, Inc.

Date: June 24, 1997

By: Stephen Faciszewski
Stephen Faciszewski
Attorney for Applicants
Registration No. 36,131

Applicants: David Porubek,

Charles Bredl

For: COMPOUNDS HAVING SELECTIVE HYDROLYTIC POTENTIALS

Serial No.: to be assigned

Filed: October 25, 1994

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
37 C.F.R. §1.9(f) AND §1.27(c) - - SMALL BUSINESS CONCERN**

I hereby declare that I am an official empowered to act on behalf of the small business concern:

Cell Therapeutics, Inc.
201 Elliott Avenue West, Suite 400
Seattle, Washington 98119

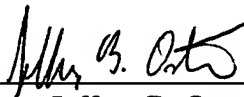
I hereby declare that the above-identified business qualifies as a small business concern as defined in 13 C.F.R. §121.3-18, and reproduced in 37 C.F.R. §1.9(d), for purposes of paying reduced fees under 35 U.S.C. §41(a) and (b), in that the number of employees in this concern, including those of its affiliates, does not exceed 500 persons. For the purposes of this statement, (1) the number of employees of the small business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when, either directly or indirectly, one concern controls or has the power to control the other, or a third party or parties control or have the power to control both.

I hereby declare that rights under contract or law have not been conveyed to and remain with the small business concern identified above with regard to the invention entitled "**COMPOUNDS HAVING SELECTIVE HYDROLYTIC POTENTIALS**" by inventors David Porubek, Anil M. Kumar and Charles Bredl, described in the specification filed herewith.

I acknowledge the duty to file, in this application or any patent issuing thereon, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate.
(37 C.F.R. §1.28(b)).

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 25 October 1994



Jeffrey B. Oster
Vice President for Legal Affairs
Cell Therapeutics, Inc.
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DECLARATION AND POWER OF ATTORNEY

Below-named inventors, we declare that we are the original, first, and sole inventors of the subject matter which is claimed in the specification identified below and for which a patent is sought on the invention as titled therein. We hereby state that have reviewed the contents of said specification, including the claims. We acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. §1.56(a) and (b).

We do not know and do not believe this invention was ever known or used in the United States of America before our invention thereof, or patented or described in any printed publication in any country before our invention thereof or more than one year prior to said application. The invention was not in public use or on sale in the United States of America more than one year prior to this application. This invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on any application filed by us or our legal representatives or assigns more than six months prior to this application.

Inventor: ¹⁰⁰ David Porubek
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Residence: ^{WA} Kent, Washington USA
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Title of Invention: COMPOUNDS HAVING SELECTIVE HYDROLYTIC POTENTIALS

Serial No.: 08/328,632, filed October 25, 1994

() There are no earlier-filed United States Patent Applications of which priority benefit is claimed.

(X) We hereby claim the benefit under 35 U.S.C. §120 of any United States Patent Applications listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States applications in the manner provided by the first paragraph of 35 U.S.C. §112, we acknowledge the duty to disclose material information as defined in 37 C.F.R. §1.56(a) and (b) which occurred between the filing date of the prior applications and the filing date of this application:

USSN:	Filed:	Status:
08/199,368	February 18, 1994	Pending
08/306,091	September 14, 1994	Pending

As to the subject matter of this application which is common to said earlier application(s), we do not know and do not believe that the same was ever known or used in the United States of America before our invention thereof or patented or described in any printed publication in any country before our invention thereof or more than one year prior to said earlier application, or in public use or on sale in the United States of America more than one year prior to said earlier application; that said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States of America on an application filed by us or our legal representatives or assigns more than twelve months prior to said earlier application; and that the earliest application(s) for patent or inventor's certificate on said invention filed by us or our representatives or assigns in any country foreign to the United States of America is identified below, as well as all other such applications (if any) filed more than twelve months prior to the filing date of this application:

None

POWER OF ATTORNEY

The power to prosecute this application and transact all business in the Patent and Trademark Office connected herewith is hereby granted to the following attorneys and agents:

Jeffrey B. Oster, Registration No. 32,585, of Cell Therapeutics, Inc., at 201 Elliott Avenue West, Suite 400, Seattle Washington 98119, and Stephen Faciszewski, Registration No. 36,131, of Cell Therapeutics, Inc., at 201 Elliott Avenue West, Suite 400, Seattle, Washington 98119.

Please send all correspondence to:

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We further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventors:

Date signed:

David Porubek
David Porubek

Jan 6, 1995

Anil M. Kumar
Anil M. Kumar

1/6/95

Charles R. Bredl
Charles R. Bredl

1/6/95